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EXAMINER				
ADAMS, GREGORY W				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,694

Applicant(s)

WHITCOMB, PRESTON

Examiner

GREGORY W. ADAMS

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 7-10, 12, 14, 21-25, 27-35 & 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Fossey et al. (US 5,988,971).

With respect to claims 1, 7, 12, 14, 29, 30 & 32, Fossey et al. disclose a system for handling substrates held in a carrier comprising an articulated robotic arm 23, processor 16, 19, blade 21 defining a critical plane, active area 62-64, mapping sensor 61 and a first end passive gripper 31 and a second end active gripper 32 comprising a servo gripper 66, 67 coupled to an electric motor 69. With respect to claim 7, the claimed steps relate to a method of making the making an active rather than the apparatus. Examiner advises applicant that mixing statutory classes of invention may lead to indefiniteness during claim interpretation, thus Examiner seeks clarification on the type of claim Applicant has created. See MPEP 2173.05(p). Assuming the claim is a product by process claim the limitations relating to how a metalization process forms an active area would not be expected to impart distinctive characteristics to an apparatus and, when there is a substantially similar product, as in the applied prior art, the burden of proof is shifted to the applicant to establish that their product is patentably distinct. See *In re Marosi*, 218 USPQ 289, 292 (Fed. Cir. 1983); MPEP 716.01 (establishing that

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a statement or argument by the attorney is not factual evidence). Thus, claim 7 can be regarded as anticipated by the applied prior art, and the burden of proof is shifted to Applicant, not the Examiner, to show that the process of making renders the claims patentably distinct. See *In re Brown*, 173 USPQ 685 and *In re Fessmann*, 180 USPQ 324.

With respect to claims 2, 31, 37 Fossey et al. disclose detecting a mean vertical location.

With respect to claims 8, 33, Fossey et al. disclose an active area configured to measure mean vertical location.

With respect to claims 9-10, 34-35, Fossey et al. disclose a measurement transducer and capacitance probe.

With respect to claims 21-23, Fossey et al. disclose a method for handling substrates held in a carrier comprising:

moving an end effector 21 defining a critical plane across an edge of the substrates;

measuring coordinate information, i.e. vertical location, of the substrates in a carrier with a mapping sensor 21;

storing coordinate information, e.g. processor 16, 19 (C7/L55-C8/L15);

sequentially indexing a robotic arm according to stored information;

measuring a distance between a substrate and critical plane (C6/L20-C7/L30);

and

engaging a substrate with a robot arm 23.

With respect to claim 24, referring to location data "to within 135 microns" it is well known within the art of substrate handling that high tolerances are preferred.

With respect to claim 25, referring to substrate location "to within 100 microns" it is well known within the art of substrate handling that high tolerances are preferred.

With respect to claim 27, Fossey et al. disclose a blade 21 and an active area 62-64. With respect to claims 27 and 28, Applicant is respectfully reminded that to be entitled to patentable weight in method claims the structural limitations recited therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. See Ex parte Pfeiffer, 135 USPQ 31 (1961). In this case the structural limitations of a blade having a first end and a second end and active area do not impact the method as required, thus amounting to the mere claiming of a use of a particular structure. For example, claim 27 should be rewritten as ---...providing a robotic arm including an end effector comprising a blade having a first end and a second end, the blade having an active area---

With respect to claim 28, Fossey et al. disclose a passive gripper and an active gripper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4 & 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fossey et al. (US 5,988,971) in view of Shamlou et al. (US 6,024,393).

With respect to claims 3-4 & 39-40, Fossey does not disclose a silicon wafer blade or a ceramic blade. Shamlou et al. '393 disclose a silicon wafer blade 100 (C9/L32-34) and ceramic blade. Shamlou discloses that silicon wafer blades aren't prone to voids are low-friction surfaces (C9/L25-40) and that ceramic blades provide structural strength under the high-head operating conditions of the wafer processing reactors despite thin cross-sections (C2/L42-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the blade of Fossey et al. to include a silicon wafer or ceramic, as per the teachings of Shamlou et al., to reduce voids and friction or provide structural strength in high heat.

3. Claims 5-6 & 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fossey et al. (US 5,988,971)

With respect to claims 5-6 & 41-42, Fossey an end effector blade 21 except for limiting the thickness to less than 750 microns. It would have been obvious to one having ordinary skill in the art at the time the invention was made to limit the blade thickness to less than 750 microns, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

4. Claims 11, 13, 15-16 & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fossey et al. (US 5,988,971) in view of Govzman et al. (US 6,454,332).

With respect to claims 11 & 36, Fossey et al. does not disclose an optical sensor. Govzman et al. disclose a pneumatic sensor to decrease particle generation and decrease misalignment. C1/L10-20. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the active are of Fossey et al. to include a pneumatic sensor, as per the teachings of Govzman et al., to decrease particle generation and increase alignment accuracy.

With respect to claims 13, 15-16, Fossey et al. does not disclose a pneumatic active gripper or providing feedback to a processor for determining positive gripper engagement. Govzman et al. disclose positive gripper engagement sensor, e.g. pressure transducer via a vacuum to sense gripper position and engagement to increase yield and decrease vibrations. C1/L10-25; C3/L5-55. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Fossey et al. to include a pneumatic active gripper and feedback, as per the teachings of Govzman et al., to increase alignment prior to placement in a vacuum chamber for purposes of increasing yield and reduce particle causing vibrations.

5. Claims 17-18, 20 & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fossey et al. (US 5,988,971) in view of Cheng (US 6,164,894).

With respect to claims 17 & 26, Fossey et al. does not disclose a substrate prealigner. Cheng '894 discloses a prealigner for use in a system for handling substrates held in a carrier including a substrate prealigner 16 having a prealigner chuck 86. Cheng '894 discloses a prealigner and prealigner chuck to locate the center

of a wafer within a fast, precise automated wafer handling system to increase wafer yields. C1/L14-36. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to prealign a substrate within the systems of Fossey et al., as taught by Cheng, to locate the center of a wafer within a fast, precise automated wafer handling system to increase wafer yields.

With respect to claim 18, Fossey et al. does not disclose a prealigner chuck having embattlements. Cheng '894 discloses a prealigner chuck 84 having embattlements 84, 88. Cheng '894 discloses a prealigner chuck and embattlements to support a substrate within a fast, precise automated wafer handling system to increase wafer yields. C1/L14-36. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to prealign a substrate within the systems of Fossey et al., as taught by Cheng, to locate the center of a wafer within a fast, precise automated wafer handling system to increase wafer yields.

With respect to claim 20, Fossey et al. does not disclose a prealigner chuck with holes. Cheng '894 discloses a prealigner chuck 84 having plurality of holes (C7/L32-34) to retain a substrate to a chuck 86. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to had a prealigner chuck with holes to a system of Fossey et al., as taught by Cheng, to retain a substrate to a chuck.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fossey et al. (US 5,988,971) in view of Hsiao (US 6,040,585). Fossey et al. do not disclose a laser transducer. Hsiao '585 discloses a laser transducer 52 to sense blade/substrate

orientation which simplifies wafer handling and reduces moving parts which consequently reduces particle generation. C1/L11-30; C5/L24-25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize laser sensors for the end effector of Fossey et al., as taught by Hsiao, to simplify a system that handles substrates and reduce particle generation.

Response to Arguments

Applicant's arguments filed March 26, 2008 have been fully considered but they are not persuasive. The examiner does not agree with Applicants interpretation.

In response to applicant's argument that the cited prior art does not disclose a sensor "configured" to determined position and orientation at two angles, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. Applicant concedes the features relied upon are merely intended use phrasing granted little patentability weight arguing that "it is impossible to use the Fossey apparatus in the manner described." See Applicants page 10, third full paragraph. If the prior art structure is capable of performing the intended use, then it meets the claim. Fossey's apparatus rotates end effector 21 about axis theta by at least 90 degrees relative to a critical plane as disclosed in FIG. 4, and as previously noted Fossey defines mapping as position determination (C2/L45) and defines orientation as cross-slotting (C2/L48). Thus, Fossey's end-effector can perform the intended use of claim 1 because end effector 21 can rotate through at least 90 degrees while sensor 61 determines position and orientation.

The rejection above clearly discloses the features of claims 21 and 23 despite

Applicants allegations of patentability. **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY W. ADAMS whose telephone number is (571)272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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